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WAR FOOD ADMINISTRATION

[FDO 70]

PART 1470—FOOD STORAGE FACILITIES

REFRIGERATED FOOD STORAGE FACILITIES

The fulfillment of requirements for the defense of the United States will result in a shortage of refrigerated storage facilities for the storage of perishable foods. The Chairman of the War Production Board has been informed of the action to be taken hereunder and has assented thereto. The following order is deemed necessary and appropriate in the public interest and to promote the National defense.

§ 1470.1 *Restrictions on use of refrigerated storage facilities*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other Government or agency thereof.

(2) The term "refrigerated storage facility" means any artificially cooled storage space of more than 10,000 cubic feet capacity (not operated as a part of an established wholesale or retail food business, hotel, or other establishment where persons are housed or fed, and not including that portion of the refrigerated storage facility occupied by individual lockers having a capacity of less than twenty-five cubic feet).

(3) The term "semi-perishable food" means any food designated by the Director as not requiring refrigerated storage.

(4) The term "storage month" means the period during which the monthly rate charged for the storage of any commodity is applicable.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* No person operating a refrigerated storage facility shall, after the effective date of this order, unless specifically authorized by the Director: (1) Receive for storage in such facility semi-perishable foods.

(2) Retain in storage in such facility semi-perishable foods after the expiration of the current storage month applicable to each item or lot of commodities in storage: *Provided,* That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

(3) Hold, for a period in excess of seventy-two hours from the time of reservation is made, storage space reserved by any person in such facility, unless the person operating such refrigerated storage facility is furnished with car numbers or copies of the bills of lading covering commodities which have been shipped to such facility by common carrier or, when means of transportation other than common carriers are used, other adequate evidence that the commodities to be stored have been shipped or are otherwise en route to such facility: *Provided,* That this paragraph (b) (3) shall not apply to the reservation of storage space for any food in its natural or unprocessed state which has not been previously wrapped, packed or prepared for market, or to fruits and vegetables packed in the field and moving to the first refrigerated storage facility.

(c) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises of, or commodities held in storage by, any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials or facilities subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD-70.

(j) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(k) *Effective date.* This order shall become effective 12:01 a. m., e.w.t. Aug. 3, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

Press Release Immediate,
Saturday, July 31, 1943.

To assure adequate cold storage space for foods that will spoil unless kept at low temperatures, the War Food Administration today announced a list of foods which can no longer be stored in refrigerated warehouses.

Beer, wine, liquor; canned fruits and vegetables (except citrus concentrates); sterile canned meat; dried whole milk in certain types of containers; canned condensed milk and dried skim and evaporated milk; canned processed cheese, and flour and cereal products must be moved out of refrigerated space after the expiration of the current storage month applicable to each item or lot of commodities in storage. Cold storage operators are prohibited from accepting these products for storage after August 2. Ample dry warehousing space is available to take care of these commodities.

The WFA also has restricted advance space reservations in an effort to prevent cold storage facilities from lying idle because of future commitments.

War Food Administration officials stated that the action represents a joint effort of Government and the industry to do everything possible to see that no foods which have been produced will spoil through improper care. Representatives of the cold storage industry and the various agencies of Government which have any interest in storage space have concurred in the necessity for taking this action.

Cold storage space, normally tight in the period from mid-July through mid-September, is even more short this year because of (1) the increased production and storage of eggs, (2) the storage of a considerable quantity of the early crop of Irish potatoes in order to minimize the loss of this crop, (3) the increase in the slaughter of livestock and the effort to build up reasonable stocks of meat supplies, (4) the forthcoming apple harvest, and (5) the large stocks of butter which the Government is accumulating now to provide for winter war needs.

Advance reservations for space, WFA officials pointed, out, have helped to create an artificial shortage on top of the tight storage situation resulting from the larger production and into-storage movement of many perishable foods.

Today's action—contained in Food Distribution Order No. 70 and Director Food Distribution Order 70.1, effective August 3—applies to all public cold storage warehouses, cold storage houses operated by meat packing plants, and cold storage houses usually known as apple houses, but not to refrigerated storage space in wholesale and retail stores.

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WAR FOOD ADMINISTRATION

[FDO 70, Amdt. 1]

PART 1470—FOOD STORAGE FACILITIES

REFRIGERATED FOOD STORAGE FACILITIES

Food Distribution Order No. 70, § 1470.1, issued by the War Food Administrator on July 31, 1943 (8 F.R. 10703), is amended as follows:

1. By amending (a) (3) thereof to read as follows:

(3) The term "restricted commodities" means any commodity not to be placed in refrigerated storage as designated by the Director.

2. By amending (b) (1) thereof to read as follows:

(1) Receive for storage in such facility restricted commodities.

3. By amending (b) (2) thereof to read as follows:

(2) Retain in storage in such facility restricted commodities after the expiration of the current storage month applicable to each item or lot of commodities in storage: *Provided,* That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

This order shall become effective 12:01 a. m., e. w. t., September 2, 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 70 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of August 1943.

MARVIN JONES,
War Food Administrator.

WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

CORRECTION NOTICE - FDO 70 Amendment 2 - Food Storage Facilities.

In printing Food Distribution Order No. 70 Amendment 2 the following error occurred:

First paragraph, "8F.R. 10705", should read "8F. R. 10703", so that the sentence will read, "Food Distribution Order 70, issued by the War Food Administrator on July 31, 1943 (8F. R. 10703)" ...

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WAR FOOD ADMINISTRATION

[FDO 70, Amdt. 2]

PART 1470—FOOD STORAGE FACILITIES

REFRIGERATED FOOD STORAGE FACILITIES

Food Distribution Order 70, issued by the War Food Administrator on July 31, 1943 (8 F.R. 10705), as amended on August 31, 1943 (8 F.R. 12039), is further amended to read as follows:

§ 1470.1 *Restrictions on use of refrigerated storage facilities*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other Government or agency thereof.

(2) The term "refrigerated storage facility" means any artificially cooled storage space of more than 10,000 cubic feet capacity (not operated as a part of an established wholesale or retail food business, hotel, or other establishment where persons are housed or fed, and not including that portion of the refrigerated storage facility occupied by individual lockers having a capacity of less than twenty-five cubic feet).

(3) The term "restricted commodities" means any commodity not to be placed in refrigerated storage as designated by the Director.

(4) The term "storage month" means the period during which the monthly rate charged for the storage of any commodity is applicable.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* No person operating a refrigerated storage facility shall, after the effective date of this order, unless specifically authorized by the Director: (1) Receive in storage in such facility restricted commodities.

(2) Retain in storage in such facility restricted commodities after the expiration of the current storage month applicable to each item or lot of commodities in storage: *Provided,* That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

(3) Hold, for a period in excess of seventy-two hours from the time the reservation is made, storage space reserved by any person in such facility, unless the person operating such refrigerated storage facility is furnished with car numbers or copies of the bills of lading covering commodities which have been shipped to such facility by common carrier, or when means of transportation other than common carrier are used, other adequate evidence that the commodities to be stored have been shipped or are otherwise en route to such facility: *Provided,* That space may be held for the account of the War Department, the Navy Department and the Office of Distribution, War Food Administration for a period not to exceed seven days from the date the reservation is made: *Provided, further,* That this paragraph (b) (3) shall not apply to the reservation of storage space for any food in its natural or unprocessed state which has not been previously wrapped, packed or prepared for market, or to fruits and vegetables packed in the field and moving to the first refrigerated storage facility.

(c) *Restrictions as to length of storage.* No person shall, after the effective date of this order, unless specifically authorized by the Director: (1) Store or cause to be stored in a refrigerated storage facility any commodity or merchandise for a period or periods in excess of a total of ten months: *Provided,* That a minimum of thirty days, after the effective date of this order, shall be allowed in which to remove all such commodities or merchandise affected by this paragraph (c).

(2) Store or accept for storage in a refrigerated storage facility any commodity or merchandise unless there is submitted therewith a certificate signed by the owner or his authorized representative showing the total time during which such commodities or merchandise have been previously stored in a refrigerated storage facility or facilities. Such certificate shall be retained by each person operating a refrigerated storage facility for a period of one year following the release of the commodities or merchandise listed thereon.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises of, or commodities held in storage by, any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials or facilities subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or

duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD 70.

(k) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(l) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., March 22, 1944. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order 70 as amended shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14785)

Issued this 21st day of March 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

GPO—WFA 545—p. 2

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WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

CORRECTION NOTICE - FDO 70 Amendment 2 - Food Storage Facilities.

In printing Food Distribution Order No. 70 Amendment 2 the following error occurred:

First paragraph, "8F.R. 10705", should read " 8F. R. 10703", so that the sentence will read, "Food Distribution Order 70, issued by the War Food Administrator on July 31, 1943 (8 F. R. 10703)" ...

Please destroy copies of questions and answers on Food Distribution Order No. 70, Amendment 2, and Director Food Distribution Order No. 70-1, Amendment 2, sent to you recently as page 2 applies to another Food Distribution Order.

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WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

March 1944

FOOD STORAGE FACILITIES

RESTRICTIONS ON USE OF REFRIGERATED SPACE

Food Distribution Order No. 70, Amendment 2, and
Director Food Distribution Order No. 70-1, Amendment 2.

Questions and Answers

Food Distribution Order No. 70 and Director Food Distribution Order No. 70-1 (1) provided the means by which a specified list of commodities might be removed from cold storage in order to make room for other commodities for which space was more urgently needed, and (2) restricted advance space reservations in order to prevent cold storage facilities from lying idle because of future commitments.

Amendment 1 to each of these two companion orders was issued in order to clarify their meaning.

The second amendments to these orders, effective March 22, provides that no person, unless specifically authorized to do so by the Director of Food Distribution of the War Food Administration, may store any commodity in any refrigerated storage facility for a period--or periods--in excess of a total of 10 months; and add to the list of restricted commodities (1) nuts in the shell (including peanuts), (2) canned shell fish in hermetically sealed containers (except frozen crabmeat and shrimp), and (3) Carter Spread.

This statement, prepared for general distribution, is intended to supply the answers to many of the questions raised by the industry. For additional information, write to the Director of Food Distribution, War Food Administration, Washington 25, D. C. Ref. FDO 70.

1. Q.-Under the second amendments, what reports are warehousemen required to make?

   A.-(1) Within 15 days from the effective date of the amendments, a report of all holdings which have been in storage for a period of, or periods in excess of a total of, 10 months.

   (2) By the 15th day of each month, a report of any stocks which have been in storage for a total of 9 months or longer.

   (3) Within 15 days from the effective date of the amendments, a report of all stocks of nuts in shell (including peanuts) and of canned fish and canned shell fish in hermetically sealed containers (except frozen crabmeat and shrimp, and Carter Spread.

2. Q.-What commodities are limited to 10 months in cold storage?

   A.-All commodities and all merchandise.

3. Q.-How soon will it be necessary to move from storage any stocks which on the effective date of the amendments have been in storage for 10 months or more?

A.-They must be removed within 30 days of the effective date of the amendments.

4. Q.-Are any additional commodities restricted from cold storage under these amendments?

A.-Yes. (1) Nuts in the shell (including peanuts), (2) canned fish and canned shellfish in hermetically sealed containers (except frozen crabmeat and shrimp), and (3) Carter Spread.

5. Q.-Do the second amendments change the status of any commodities previously restricted from cold storage?

A.-No. None of the commodities restricted under the provisions of the original order may be placed in a cold storage warehouse without special authorization from the Director of Food Distribution, WFA.

6. Q.-Must warehousemen in all areas comply with the provisions contained in these amendments?

A.-Yes, unless specific authorization to the contrary has been received. In areas where there are adequate refrigerated storage facilities, relief from compliance with these amendments may be granted if application is made to the Administrator of FDO 70, Office of Distribution, War Food Administration Washington 25, D. C. on Form FDO 70-5, "Application to Store or Reserve Space in Refrigerated Storage Facilities."

7. Q.-When application to store is made by the owner, is it necessary for the warehouseman to certify to the availability of space?

A.-Yes. Before any authorization to store commodities or to reserve space will be granted, the Administrator of FDO 70 must receive a written statement from the warehouseman that the space is available. The warehouseman may supply this information by certifying to it on Form FDO 70-5.

8. Q.-If compliance with the provisions of the orders or the amendments should cause undue hardship to any person, how may he apply for relief?

A.-Either by writing to the Administrator of FDO 70, Office of Distribution, War Food Administration, Washington 25, D. C., or by applying on Form FDO 70-5.

9. Q.-Is a warehouseman permitted to accept goods for storage in refrigerated storage facilities without a certificate showing the length of time such goods have previously been in cold storage space?

A.-No. He must obtain from the owner a certificate showing the length of time the goods have previously been in cold storage space.

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WAR FOOD ADMINISTRATION

[FDO 70-1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF SEMI-PERISHABLE FOODS AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 70 dated July 31, 1943 (*supra*), and to effectuate the purposes of such order, *It is hereby ordered* As follows:

§ 1470.2 *Semiperishable foods designated and reports required*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 70 shall apply to this order and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.

(2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of semiperishable foods.* The following are designated as semiperishable foods not requiring refrigerated storage:

(1) Evaporated milk.
(2) Canned condensed milk.
(3) Dried skim milk.
(4) Dried whole milk in gas filled hermetically sealed containers.
(5) Sterile canned meats.
(6) Canned processed cheese.
(7) All types of flour and dry cereals.
(8) Canned fruits and vegetables, except citrus concentrates.
(9) Beer, wines, and liquors.

(c) *Records and reports.* Any person operating a refrigerated storage facility shall:

(1) Within ten days after the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD-70 on Form FDO 70-1, the following information:

(i) A list of all commodities designated in paragraph (b) hereof held by such person in a refrigerated storage facility on the effective date of Food Distribution Order 70, the quantity of each, and the date on which the current storage month of each commodity or lot expires.

(2) Within three working days after the first and fifteenth day of each month following the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD-70 on Form FDO 70-2, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., on the 3rd day of Aug. 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 70, *supra*)

Issued this 31st day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

Press Release Immediate:
Saturday, July 31, 1943.

To assure adequate cold storage space for foods that will spoil unless kept at low temperatures, the War Food Administration today announced a list of foods which can no longer be stored in refrigerated warehouses.

Beer, wine, liquor; canned fruits and vegetables (except citrus concentrates); sterile canned meat; dried whole milk in certain types of containers; canned condensed milk and dried skim and evaporated milk; canned processed cheese, and flour and cereal products must be moved out of refrigerated space after the expiration of the current storage month applicable to each item or lot of commodities in storage. Cold storage operators are prohibited from accepting these products for storage after August 2. Ample dry warehousing space is available to take care of these commodities.

The WFA also has restricted advance space reservations in an effort to prevent cold storage facilities from lying idle because of future commitments.

War Food Administration officials stated that the action represents a joint effort of Government and the industry to do everything possible to see that no foods which have been produced will spoil through improper care. Representatives of the cold storage industry and the various agencies of Government which have any interest in storage space have concurred in the necessity for taking this action.

Cold storage space, normally tight in the period from mid-July through mid-September, is even more short this year because of (1) the increased production and storage of eggs, (2) the storage of a considerable quantity of the early crop of Irish potatoes in order to minimize the loss of this crop, (3) the increase in the slaughter of livestock and the effort to build up reasonable stocks of meat supplies, (4) the forthcoming apple harvest, and (5) the large stocks of butter which the Government is accumulating now to provide for winter war needs.

Advance reservations for space, WFA officials pointed out, have helped to create an artificial shortage on top of the tight storage situation resulting from the larger production and into-storage movement of many perishable foods.

Today's action—contained in Food Distribution Order No. 70 and Director Food Distribution Order 70.1, effective August 3—applies to all public cold storage warehouses, cold storage houses operated by meat packing plants, and cold storage houses usually known as apple houses, but not to refrigerated storage space in wholesale and retail stores.

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

SPECIAL NOTICE
FDO -70-1
Amendment 1

In printing Director Food Distribution Order 70.1, Amendment 1, issued August 31, 1943 three printing errors occurred. Please make the following changes on your copy.

In the preamble, the words "Food Distributor Order No. 70" should read "Food Distribution Order No. 70".

In Section 1470.2, paragraph (c) (1) "War Food Administrator" should read "War Food Administration."

In Section 1470.2, Paragraph (c) (1) (i) "Food Distribution Order 70, the quality of each," should read "Food Distribution Order 70, the quantity of each."

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U.S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 70-1, Amdt. 1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF RESTRICTED COMMODITIES AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distributor Order No. 70 dated July 31, 1943 (8 F.R. 10703), as amended, Director Food Distribution Order No. 70-1, dated July 31, 1943 (8 F.R. 10704), is amended to read as follows:

§ 1470.2 *Restricted commodities designated and reports required*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 70, as amended, shall apply to this order and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.

(2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of restricted commodities.* The following are designated as restricted commodities not to be placed in refrigerated storage:

(1) Evaporated milk.
(2) Canned condensed milk.
(3) Dried skim milk.
(4) Dried whole milk in gas filled hermetically sealed containers.
(5) Sterile canned meats.
(6) Canned processed cheese.
(7) All types of flour and dry cereals.
(8) Canned fruits and vegetables except citrus concentrates.
(9) Beer, wines, and liquors.

(c) *Records and reports.* Any person operating a refrigerated storage facility shall:

(1) Within ten days after the effective date hereof report to the Director of Food Distribution, War Food Administrator, Washington 25, D. C., Ref. FD 70, on Form FDO 70-1, the following information:

(i) A list of all commodities designated in paragraph (b) hereof held by such person in a refrigerated storage facility on the effective date of Food Distribution Order 70, the quality of each, and the date on which the current storage month of each commodity or lot expires.

(2) Within three working days after the first and fifteenth day of each month following the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD 70, on Form FDO 70-2, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., on the 2d day of September 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Director's Food Distribution Order No. 70-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO-70, 8 F.R. 10703)

Issued this 31st day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

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WAR FOOD ADMINISTRATION

[FDO 70-1, Amdt. 2]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF RESTRICTED COMMODITIES AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 70 dated July 31, 1943 (8 F.R. 10703), as amended on August 31, 1943 (8 F.R. 12039), Food Distribution Order No. 70-1, dated July 31, 1943 (8 F.R. 10704), as amended on August 31, 1943 (8 F.R. 12039), is further amended to read as follows:

§ 1470.2 *Restricted commodities designated and reports required*—(a) *Definitions.* The definitions of terms contained in Food Distribution Order No. 70, as amended, shall apply to this order when such terms are used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.

(2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of restricted commodities.* The following are designated as restricted commodities not to be placed in refrigerated storage:

(1) Evaporated milk
(2) Canned condensed milk
(3) Dried skim milk
(4) Dried whole milk in gas filled hermetically sealed containers
(5) Sterile canned meats
(6) Canned processed cheese
(7) All types of flour and dry cereals
(8) Canned fruits and vegetables except citrus concentrates
(9) Beer, wines, and liquors
(10) Nuts in the shell (including peanuts)
(11) Canned fish and canned shellfish in hermetically sealed containers except frozen crabmeat and shrimp
(12) Carter spread

(c) *Records and reports.* Any person operating a refrigerated storage facility shall: (1) Report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 70 the following information:

(i) On Form FDO 70-7, within fifteen days after the effective date of this order, a list of all commodities designated in paragraph (b), (10), (11), and (12) hereof held by such person in a refrigerated storage facility on the effective date of this order, the quantity of each and the date on which the current storage month of each commodity or lot expires.

(ii) On Form FDO 70-6, within fifteen days after the effective date of this order, a list of all commodities or merchandise which have been in storage in a refrigerated storage facility for a period of ten months or longer and the names of the owners thereof.

(iii) On Form FDO 70-2, within three working days after the first and fifteenth day of each month following the effective date of this order, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(iv) On Form FDO 70-6, within fifteen days after the first day of each month, a list of all commodities or merchandise which have been stored in a refrigerated storage facility for a period of nine months or longer, the quantity in pounds of each commodity and the name of the owner thereof.

(2) On Form FDA 216, within six working days after the first day of each month following the effective date hereof, report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. Cold Storage Reports the quantity of each commodity as designated thereon, held in a refrigerated storage facility as of the first day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., on the 22d day of March 1944. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 70-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO-70, 8 F.R. 10703; E.O. 9392, 8 F.R. 14785)

Issued this 21st day of March, 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

War Food Administration,
Summary to FDO 70.1 Amendment 2 and 70 Amendment 2.

Beginning March 22, 1944 no commodity may remain in cold storage for more than 10 months, and three new groups of commodities are added to the War Food Administration list of commodities which are excluded from cold storage.

This action, contained in Amendment 2 to Food Distribution Order 70 and Amendment 2 to Food Distribution Order 70.1 effective March 22, 1944, became necessary because of the present shortage of refrigerated space.

Under the action no person, unless specifically authorized to do so by the Director of Food Distribution, may store any commodity in any refrigerated storage facility for a period—or periods—in excess of 10 months.

Provision is made for records and reports by warehousemen. Upon receipt of any commodity for storage, the warehouseman is required to demand a certificate stating how long the commodity has been stored previously.

In addition, the list which was designated in Food Distribution Order 70.1 as "restricted commodities" is now extended to include (1) nuts in the shell (including peanuts), and (2) canned fish and canned shell fish in hermetically sealed containers (except frozen crabmeat and shrimp), and (3) Carter spread. Restricted commodities may not be placed in refrigerated storage.

The period for which space may be reserved under Food Distribution Order 70 is extended for commodities owned by the Army, Navy, and Office of Distribution of the War Food Administration from 72 hours to 168 hours.

The action is one of the steps taken by the War Food Administration to move some of the perishable commodities out of public refrigerated storage into consumer channels and so make room for current production of commodities which have a stronger claim on refrigerated space.